

**COMMISSIONERS**  
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Interim Executive Secretary

## ARIZONA CORPORATION COMMISSION

July 9, 2003

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Suite TW-8B201  
Washington, DC 20554

The Honorable Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Suite TW-8B302  
Washington, DC 20554

The Honorable Kathleen Q. Abernathy  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Suite TW-8B204  
Washington, DC 20554

The Honorable Kevin J. Martin  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Suite TW-8C302  
Washington, DC 20554

The Honorable Jonathan S. Adelstein  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Suite TW-8B115  
Washington, DC 20554

Re: In the Matter of Telephone Number Portability, CC Docket 95-116

Dear Chairman Powell and Commissioners Abernathy, Martin, Copps and Adelstein:

The Arizona Corporation Commission ("ACC" or "Arizona Commission") urges you to proceed with implementation of your rules requiring wireless carriers to provide local number portability ("LNP") as scheduled on November 24, 2003.<sup>1</sup> The recent D.C. Circuit Court of Appeals Decision removed the industry's latest effort to halt implementation of the rules.<sup>2</sup> We urge you to reject any further attempts by the wireless industry to delay implementation of the rules.<sup>3</sup> Verizon Wireless, the largest provider of wireless phone service, recently recognized the importance of this issue stating, "Our government has spoken, our customers tell us they want it. Let's clear the decks and get it done." Verizon's recent change of position is a clear indication that there are no insurmountable obstacles to the industry's meeting the November 24, 2003 date currently contained in the Commission's rules.

<sup>1</sup> The Arizona Commission respectfully requests any waivers needed to make this filing out-of-time, or alternatively, requests the FCC to treat the comments as a written ex parte filing.

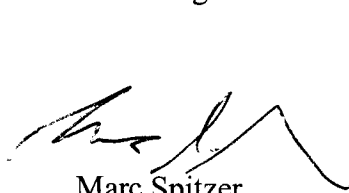
<sup>2</sup> CTIA et al. v. FCC, 330 F.3d 502 (D.C.Cir. June 6, 2003).

<sup>3</sup> See inter alia, Expedited Petition for Rulemaking to Rescind the CMRS LNP Rule filed by the Cellular Telephone & Internet Association ("CTIA"), Cingular, AT&T Wireless Services and ALLTEL (collectively, "the Wireless Petitioners") filed on June 16, 2003; and CTIA Petition for Declaratory Ruling filed on May 13, 2003.

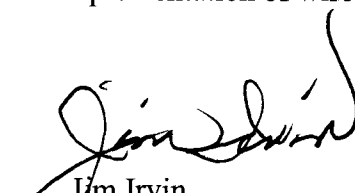
The time for implementation of the Commission's wireless LNP rules has come. As the Commission recognized in its recent decision denying Verizon Wireless's Petition for Permanent Forbearance, several trends underscore the need for immediate implementation of the rules.<sup>4</sup> First, consistent with the USA Today/CNN/Gallup poll finding that 18 percent of wireless phone owners now use their wireless phone as their primary phone, the wireless carriers' applications for Eligible Telecommunications Carrier ("ETC") status in Arizona and other states is a strong indication that wireless service is fast becoming a substitute for wireline phone service. Moreover, wireless LNP is critical to the development of inter-modal competition in large population centers such as Phoenix. Wireless LNP is also critical to ensure a competitive marketplace that is technologically neutral and to achieving regulatory parity between competitive providers. With wireless LNP, all carriers regardless of the form of technology used, will be forced to compete on the basis of price, calling plans and service quality, allowing customers to freely choose their provider without concern that they will lose their existing phone number.

In Arizona, we are also witness to the wireless industry's reluctance to be subject to the same consumer protection measures as their wireline counterparts. The wireless industry must recognize that if they are to receive the benefits of regulatory efforts designed to create a level competitive playing field, they must also accept the corresponding responsibilities including being subject to important measures, such as LNP and other rules designed to safeguard and protect consumers. The wireless industry's arguments to the contrary notwithstanding, the FCC has broad authority under the Communications Act to require wireless LNP, an important consumer safeguard.


We appreciate the opportunity to offer comment on this important issue and look forward to working with the FCC on implementation of wireless LNP in the future.




Marc Spitzer  
Chairman




Jim Irvin  
Commissioner



William A. Mundell  
Commissioner



Jeffrey Hatch-Miller  
Commissioner



Mike Gleason  
Commissioner

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<sup>4</sup> In the Matter of Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability, WT Docket No. 01-184 and CC Docket No. 95-116, Memorandum Opinion and Order (rel. July 26, 2002).